

REMARKS

This application has been carefully reviewed in light of the Office Action mailed March 10, 2006. Claims 1-31 are pending and Claims 1-31 are rejected in the Office Action. Claims 1, 11, 20, 26, and 29 have been amended. Reconsideration and favorable action are requested.

Section 103 Rejections

Claims 1-3, 8-13, 17-21 and 26-28 are rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,035,346 to Chieng et al. ("*Chieng*") and U.S. Patent No. 6,669,096 to Saphar et al ("*Saphar*"). Claims 4-7, 14-16 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Chieng* and *Saphar* and further in view of U.S. Patent No. 6,272,144 to Berenbaum et al ("*Berenbaum*"). Applicants respectfully traverse.

Claim 1 as amended now recites "downloading the executable file to a memory for a processor on the card without requiring the use of boot code on the card; and removing the card from reset state and operating the card using the executable file without the use of boot code." Applicants respectfully submit that this limitation is not taught by any of the cited references. Specifically, the reference primarily relied upon in the Office Action, *Chieng*, does not teach this limitation and explicitly teaches away from it. *Chieng* teaches the use of boot code to operate a card after the card's release from hold/wait state, stating:

Following memory signature initialization, the host processor 105 releases the CPU 510 from the hold/wait state at step 620. After release, the CPU 510 executes instructions from the PROM's 520 boot block. The boot block instructs the CPU 510 to look in RAM 515 for the signature pattern.

This passage from *Chieng* specifically requires the execution of instructions from the PROM's boot block to operate the card after it is released from hold/wait state. This is in direct contrast to Applicants' Claim 1 which recites "removing the card from reset state and operating the card using the executable file without the use of boot code." Therefore, *Chieng* in fact teaches away from Applicants Claim 1 as amended. For at least this reason, Claim 1 should be allowed, as should the claims that depend therefrom. Claims 11, 20, 26, and 29 have been similarly amended and should also be allowed for similar reasons, as should the claims that depend therefrom. Favorable action is requested.

CONCLUSION

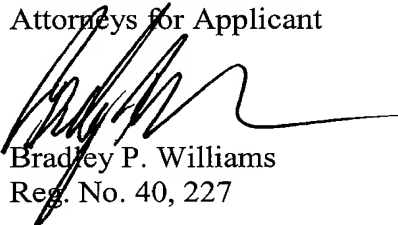
Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant does not believe that any fees are due. However, the Commissioner is hereby authorized to charge these fees and any extra fee or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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